IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 258 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RAVI KISHAN CHAND KHESHANI

Versus

DEVKISHAN BODOMAL BHATIYA

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Appearance:

MR PM BHATT for Appellants No. 1-2

MR VC DESAI for Respondents No. 1-2

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CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 31/01/2002

ORAL JUDGEMENT

1. Heard Mr.P.M.Bhatt, learned advocate for the appellant and Mr.V.C.Desai, learned advocate for the

respondents.

2. Learned advocates for both the parties jointly submit that this appeal be disposed of by giving suitable directions to the learned Judge of the trial Court as well as both the parties, without assigning reasons for such orders.

3. I have heard learned advocates for both the parties. I have gone through the impugned order and the grounds stated in the appeal memo. This Court is of the view that this appeal is required to be disposed of by giving suitable directions to the learned Judge of the trial Court. Accordingly, this appeal is disposed of by giving following directions.

[i] The learned Judge of the trial Court is directed to decide and dispose of Civil Suit No.2922 of 1995, which is pending on the file of City Civil Court, Ahmedabad, as expeditiously as possible preferably within one and half years from the date on which the suit becomes ready in all respects for recording evidence, if any, of both the parties.

[ii] Both the parties are directed to extend fullest co-operation to the learned Judge of the trial Court, so as to enable him to dispose of the suit within a given time.

[iii] Meanwhile, the order dated 23/7/1997 passed by this Court (Coram : M.S.Shah,J.) in Civil Application No.5028 of 1997, shall remain effective and operative till the final disposal of the suit. Copy of the said order passed on 23/7/1997 in Civil Application No.5028 of 1997 be sent with writ of this order, to the trial Court.

4. In view of the aforesaid directions given by this Court, at the instance of both the parties, this appeal stands disposed of accordingly. No order as to costs.

(H.H.Mehta,J.)

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